

PERMANENT UTILITY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

Date: _____

Grantor: Midway Independent School District by and through its Board of Trustees (hereinafter "Grantor").

Grantor's Mailing Address: Midway Independent School District
c/o Superintendent
13885 Woodway Dr.
Woodway, McLennan County, Texas 76712

Grantee: City of Waco, Texas, a municipal corporation (hereinafter "City" or "Grantee")

Grantee's Mailing Address: PO Box 2570
300 Austin Avenue
Waco, TX 76702

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to the undersigned paid by the City, the receipt and sufficiency of which is hereby acknowledged.

Property: A 0.025 ACRE TRACT OF LAND LOCATED IN THE LOT 1, BLOCK 1, THIELE ADDITION TO THE CITY OF WACO, MCLENNAN COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN MCLENNAN COUNTY CLERK'S DOCUMENT (M.C.C.D.) 2008023145 OF THE OFFICIAL PUBLIC RECORDS OF MCLENNAN COUNTY, TEXAS (O.P.R.M.C.T.). SAID 0.025 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN **EXHIBIT "A"** HERETO AND SHOWN ON THE SKETCH ATTACHED AS **EXHIBIT "B"** HERETO. (HEREINAFTER "PROPERTY").

Grant of Permanent Easement to Grantee:

Grantor hereby GRANTS, BARGAINS, SELLS, WARRANTS AND CONVEYS to the City a 0.025 acre easement on, over, and under the Property as described in Exhibits "A" and "B" attached hereto and incorporated by reference herein, for the installation, operation, maintenance, repair, replacement, alteration, change of size of, inspection, pre-construction work, construction work, relocation and/or removal of utility lines and necessary appurtenances, together with the right of reasonable ingress and egress to and from the easement. TO HAVE AND TO HOLD the above described permanent easement perpetually by the City, its successors and assigns. Grantor binds Grantor and Grantor's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the easement or any part of the easement.

Grant of Temporary Construction Easement to Grantee:

The Grantee’s project will require room for work to be conducted outside of the Permanent Easement. Therefore, Grantor FURTHER hereby GRANTS, BARGAINS, SELLS and CONVEYS unto Grantee a 0.188-acre temporary construction easement along, adjacent to, and accessing the Property for purposes of the Grantee’s project. The temporary construction easement is shown on Exhibit “B” attached hereto. This temporary construction easement shall terminate upon final completion of the work, including all testing, plus a term of 60 days after completion for any necessary follow-up work.

Other Terms:

Grantor shall not construct or install permanent improvements or plant trees, shrubs or other plants with deep root systems on the easement, except that fences, walkways, road, driveways, parking areas and utility service crossings may be installed or constructed thereon, subject to the rights granted herein to Grantee.

Grantor shall not trench, dig, grade, or otherwise make substantial changes to the grade, elevations or contour of the easement tract without obtaining prior written consent of the City, or drill on any part of the easement without prior approval of the City.

Grantor shall not use the surface of the easement property in any way that will interfere with the Grantee’s rights hereunder.

This instrument, together with all provisions of this grant, shall constitute a covenant running with the land for the benefit of the Grantee and its successors and assigns.

Grantor covenants that it, whether one or more, is the owner of the above-described land, and that the land is free and clear of encumbrances and liens except as otherwise noted herein or in the Official Public Records/Deed Records of McLennan County, Texas.

GRANTOR:

MIDWAY INDEPENDENT SCHOOL DISTRICT

BY : _____
President of the Board of Trustees of the
Midway Independent School District

PRINTED NAME : _____

THE STATE OF TEXAS

§

§

COUNTY OF McLENNAN

§

This instrument was acknowledged before me on the ___ day of _____, 202__ by _____, President of the Board of Trustees of the Midway Independent School District, on behalf of said school district, and _____ stated under oath that he is authorized to execute this instrument on behalf of the Board of Trustees for and on behalf of the Midway Independent School District, and to bind the Midway Independent School District by his execution hereof.

NOTARY PUBLIC, STATE OF TEXAS

PREPARED IN THE LAW OFFICE OF:

Michael W. Dixon
HALEY & OLSON, P.C.
100 N. Ritchie Road, Suite 200
Waco, Texas 76712

EXHIBIT "A"



823 Washington Ave., Suite 100
Waco, Texas 76701

0.025 ACRE UTILITY EASEMENT LOCATED IN LOT 1, BLOCK 1, THIELE ADDITION TO THE CITY OF WACO, McLENNAN COUNTY, TEXAS

FIELD NOTES FOR A 0.025 ACRE UTILITY EASEMENT LOCATED IN THE LOT 1, BLOCK 1, THIELE ADDITION TO THE CITY OF WACO, McLENNAN COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN McLENNAN COUNTY CLERK'S DOCUMENT (M.C.C.D.) 2008023145 OF THE OFFICIAL PUBLIC RECORDS OF McLENNAN COUNTY, TEXAS (O.P.R.M.C.T.). SAID 0.025 ACRE TRACT BEING MORE PARTICULARLY SHOWN ON THE ATTACHED EXHIBIT DRAWING AND FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2" IRON ROD WITH A CAP STAMPED "LETH 3879" FOUND IN THE WEST RIGHT-OF-WAY LINE OF SPEEGLEVILLE ROAD (VARIABLE WIDTH), MARKING THE NORTHEAST CORNER OF SAID LOT 1;

THENCE S 72°47'33" W – 44.55' WITH THE COMMON LINE OF LOT 1 AND LOT 3, BLOCK 1 OF SAID THIELE ADDITION TO A 1/2" IRON ROD WITH A CAP STAMPED "WALKER PARTNERS" SET FOR A COMMON CORNER OF LOTS 1 AND 3, AND THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 1/2" IRON ROD WITH A CAP STAMPED "LETH 3879" FOUND MARKING A COMMON CORNER OF SAID LOTS 1 AND 3 BEARS N 52°34'19" W – 301.21';

THENCE N 72°47'33" E – 4.77' WITH SAID COMMON LINE TO A POINT IN THE WEST LINE OF A 40' PERMANENT RIGHT-OF-WAY EASEMENT FOR ROAD AND HIGHWAY PURPOSES, RECORDED IN M.C.C.D. 2019006621 OF THE O.P.R.M.C.T. FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE CROSSING THE INTERIOR OF SAID LOT 1 THE FOLLOWING FOUR CALLS:

- 1) **49.88' WITH THE ARC** OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1996.86', A CENTRAL ANGLE OF 01°25'53" AND A CHORD WHICH BEARS S 17°35'59" E – 49.88' TO A POINT IN THE WEST LINE OF SAID RIGHT-OF-WAY EASEMENT FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT,
- 2) **N 65°38'55" W – 22.53'** TO AN ANGLE POINT,
- 3) **N 54°23'55" W – 14.07'** TO AN ANGLE POINT,
- 4) **N 09°23'55" W – 44.21'** TO A POINT IN THE COMMON LINE OF SAID LOTS 1 AND 3 FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE S 52°34'19" E – 24.62' WITH SAID COMMON LINE RETURNING TO THE **POINT OF BEGINNING** AND CONTAINING 0.025 ACRE OF LAND AS SURVEYED BY DANA B. SPIGENER, REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 4809 ON OCTOBER 17, 2022. BEARINGS CITED WITHIN THIS DESCRIPTION ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, TEXAS CENTRAL ZONE ACQUIRED FROM GLOBAL POSITIONING SYSTEM OBSERVATIONS.

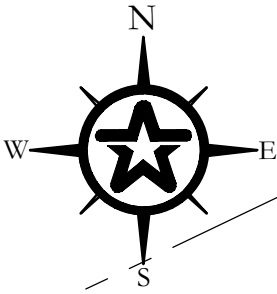
Dana B. Spigener
DANA B. SPIGENER, P.L.S. 4809

PREPARED: SEPTEMBER 11, 2024
PROJ NO. 1-03609.01
PLAT NO. A1-2415
FIELD NOTE NO. 62ESMT_MIDWAY_0.025 AC
MAP CHECKED: SEPTEMBER 11, 2024



www.WalkerPartners.com

EXHIBIT "B"



LOT 2, BLOCK 1
THIELE ADDITION
M.C.C.D. 2008023145
O.P.R.M.C.T.

LOT 3, BLOCK 1
THIELE ADDITION
M.C.C.D. 2008023145
O.P.R.M.C.T.
(N 52°36'21" W 301.21')
(N 52°34'19" W 301.21')

LOT 1, BLOCK 1
THIELE ADDITION
M.C.C.D. 2008023145
O.P.R.M.C.T.

MIDWAY ISD
M.C.C.D. 2008023845
O.P.R.M.C.T.

SPEEGLEVILLE ROAD
(VARIABLE WIDTH)

- M.C.C.D. = McLENNAN COUNTY CLERK'S DOCUMENT
- O.P.R.M.C.T. = OFFICIAL PUBLIC RECORDS McLENNAN COUNTY, TEXAS
- () = RECORD CALLS
- = 1/2" IRON ROD WITH CAP STAMPED "RPLS 3879" FOUND
- = 1/2" IRON ROD WITH CAP STAMPED "WALKER PARTNERS" SET
- P.O.C. = FIELD NOTE POINT OF COMMENCEMENT
- P.O.B. = FIELD NOTE POINT OF BEGINNING

ELIZABETH A. TRACY
M.C.C.D. 2005000276
O.P.R.M.C.T.
CALLED 3.5 ACRES
DESCRIBED BY METES AND
BOUNDS IN VOLUME 943,
PAGE 62 D.R.M.C.T.

GRID COORDINATES
N: 10520811.97
E: 3242252.93

0.025 ACRE
UTILITY
EASEMENT

0.188 ACRE
TEMPORARY
CONSTRUCTION
EASEMENT

40' PERMANENT RIGHT-OF-WAY
EASEMENT FOR ROAD AND
HIGHWAY PURPOSES
M.C.C.D. 2019006621
O.P.R.M.C.T.

20' UTILITY EASEMENT
M.C.C.D. 2008023145
O.P.R.M.C.T.

LINE	BEARING	DISTANCE
L1	N 72°47'33" E	4.77'
L2	N 65°38'55" W	22.53'
L3	N 54°23'55" W	14.07'
L4	N 09°23'55" W	44.21'
L5	S 52°34'19" E	24.62'
L6	S 80°36'05" W	23.97'
L7	N 30°27'44" W	73.43'
L8	S 61°23'53" W	26.12'
L9	N 30°01'49" W	6.02'
L10	N 09°23'55" W	166.61'
L11	S 52°34'19" E	29.96'

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD BEARING	CHORD LENGTH
C1	1°25'53"	1996.86'	49.88'	S 17°35'59" E	49.88'
C2	4°12'00"	1996.86'	146.38'	S 20°24'56" E	146.34'

SURVEYOR'S NOTES:

SURVEY DATE: OCTOBER 17, 2022

FIELD NOTES ATTACHED HERETO, MADE A PART HEREOF AND TITLED: 0.025 ACRE UTILITY EASEMENT LOCATED IN LOT 1, BLOCK 1, THIELE ADDITION TO THE CITY OF WACO, McLENNAN COUNTY, TEXAS

THE SURVEYOR DID NOT ABSTRACT THE SUBJECT TRACT. THE SURVEYOR DOES NOT GUARANTEE THAT ALL EASEMENTS, RESTRICTIONS OR ENCUMBRANCES (EITHER OF RECORD OR NOT OF RECORD) WHICH MAY AFFECT THE SUBJECT TRACT ARE SHOWN HEREON.

THE BEARINGS AND GRID COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, TEXAS CENTRAL ZONE ACQUIRED FROM GLOBAL POSITIONING SYSTEM OBSERVATIONS.

THIS TRACT WILL BE MONUMENTED UPON ACCEPTANCE AND CONVEYANCE.

0.025 ACRE UTILITY EASEMENT
0.188 ACRE TEMPORARY CONSTRUCTION EASEMENT

LOCATED IN LOT 1, BLOCK 1, THIELE ADDITION TO THE CITY OF WACO, McLENNAN COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN McLENNAN COUNTY CLERK'S DOCUMENT 2008023145 OF THE OFFICIAL PUBLIC RECORDS OF McLENNAN COUNTY, TEXAS

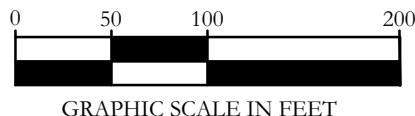


Dana B. Spigener
PREPARED: SEPTEMBER 13, 2024

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823 Washington Ave. • Waco, Texas 76701
Phone: 1-254-714-1402 • T.B.P.E. Registration No. 8053
T.B.P.L.S. Registration No. 10032500



GRAPHIC SCALE IN FEET

REVISIONS

PLAT NO. A1-2415 DRAFT DATE 9-13-2024 FB/PG _____
PROJ. NO. 1-03609.01 TAB NO. 8.5X11 FIELD NOTE NO. 62
DWG. NAME 1-03609.01ESMT_MIDWAY_0.025 AC DRAWN BY DBS